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Corporation and China National Minerals Co., Ltd.*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANIMAL SCIENCE PRODUCTS, INC.,
et al.,

Plaintiffs,

v.

CHINA NATIONAL METALS &
MINERALS IMPORT & EXPORT
CORPORATION, et al.,

Defendants.

Civil Action No. 05-4376 (GEB/ES)

**SECOND DECLARATION OF
THOMAS PAK**

I, Thomas Pak, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a Counsel with the law firm Skadden, Arps, Slate, Meagher & Flom LLP, and I am counsel of record, *pro hac vice*, for Defendants China Minmetals Corp. and China National Minerals Co., Ltd. (collectively, "CNM") in the above-captioned matter. I make this declaration in support of CNM's motion to dismiss Plaintiffs' First Amended Class Action Complaint. I have personal knowledge of the matters set forth herein, unless otherwise stated.

2. Attached hereto as Exhibit A is a true and correct copy of a report from the U.S. General Accountability Office entitled *U.S.-China Trade: Eliminating Nonmarket Economy Methodology Would Lower Antidumping Duties for Some Chinese Companies* (Jan. 2006). The report is also available at <http://www.gao.gov/new.items/d06231.pdf>.

3. Attached hereto as Exhibit B is a true and correct copy of The Catalogue of Goods Subject to Export License Management for the years 2000 through 2009. The Catalogues are promulgated in accordance with the Foreign Trade Law of the PRC and the Regulation of the PRC on the Administration of the Import and Export of Goods, Li Decl., Ex. 18 Art. 35. *See also* Mag. Decl., Ex. 23 Art. 11. The Catalogues for the respective years are also available at <http://vip.chinalawinfo.com/NewLaw2002/SLC/SLC.asp?Db=chl&Gid=26689> (2000); <http://vip.chinalawinfo.com/NewLaw2002/SLC/SLC.asp?Db=chl&Gid=35051> (2001); <http://vip.chinalawinfo.com/NewLaw2002/SLC/SLC.asp?Db=chl&Gid=40608> (2002); <http://vip.chinalawinfo.com/NewLaw2002/SLC/SLC.asp?Db=chl&Gid=65965> (2003); <http://vip.chinalawinfo.com/NewLaw2002/SLC/SLC.asp?Db=chl&Gid=50753> (2004); <http://vip.chinalawinfo.com/NewLaw2002/SLC/SLC.asp?Db=chl&Gid=56278> (2005); <http://wms.mofcom.gov.cn/aarticle/zcfb/c/200512/20051201251756.html?697733908=25802700> 2 (2006); <http://vip.chinalawinfo.com/NewLaw2002/SLC/SLC.asp?Db=chl&Gid=82829> (2007); <http://vip.chinalawinfo.com/NewLaw2002/SLC/SLC.asp?Db=chl&Gid=112128> (2008); and <http://vip.chinalawinfo.com/NewLaw2002/SLC/SLC.asp?Db=chl&Gid=112094> (2009).

4. Attached hereto as Exhibit C is a true and correct copy of *Detailed Rules for the Implementation for Bids for Light (Dead) Burned Magnesite Export Quotas (for Trial Implementation)*, which has been previously submitted as Li Decl., Ex. 7.

5. Attached hereto as Exhibit D is a true and correct copy of *Request for Consultations by the United States*, a communication dated June 23, 2009 from the U.S. to the People's Republic of China seeking dispute resolution through the World Trade Organization. The *Request* is also available under the heading "China — Measures Related to the Exportation of Various Raw Materials" at http://www.wto.org/english/tratop_e/dispu_e/dispu_by_country_e.htm.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 16, 2009



Thomas Pak